

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

**ZENA RAYFORD**

**Plaintiff,**

**v.**

**THE STANDARD INSURANCE  
COMPANY,**

**Defendant.**

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**No. 2:11-cv-2637-STA-cgc**

**Judge S. Thomas Anderson**

**Magistrate Judge Charmiane G. Claxton**

**STANDARD INSURANCE COMPANY'S  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant, Standard Insurance Company ("Standard"), by its attorneys, Warren von Schleicher and Jacqueline J. Herring of Smith, von Schleicher & Associates, submits its Motion to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6):

1. Zena Rayford ("Rayford") seeks payment of long-term disability benefits under a group long-term disability insurance policy ("Group Policy") issued by Standard to Rayford's former employer, the Shelby County Government.

2. This case is a re-filing of *Rayford v. The Standard Ins. Co.*, Case No. 2:08-cv-02144-SHM-tmp, U.S. District Court, W.D. Tenn., in which Judgment was entered in favor of Standard on March 10, 2010 ("*Rayford I*"). *Rayford v. Standard Ins. Co.*, No. 08-2144, 2010 WL 890947 (W.D. Tenn. Mar. 10, 2010).

3. The Group Policy's three year contractual limitations period bars Rayford's claim for long-term disability benefits under the Group Policy, which was filed more than six years after her claim accrued.

4. Under the doctrine of *res judicata*, the Judgment entered in favor of Standard in *Rayford I* precludes Rayford from re-litigating the same claim for long-term disability benefits against Standard.

WHEREFORE, Defendant, Standard Insurance Company, respectfully requests dismissal of Plaintiff's Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,

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By: /s/ Jacqueline J. Herring  
Attorney for Defendant,  
Standard Insurance Company

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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